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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/621,283

07/17/2003

Mark Krichever

1400-41 (1577)

3014

7590

03/23/2005

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EXAMINER

LEE, SEUNG H

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/621,283	KRICHEVER, MARK	
	<b>Examiner</b>	<b>Art Unit</b>	
	Seung H. Lee	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 3 and 4 are objected to because of the following informalities:

Re claim 3: The applicant claims that "the second beam splitter" is receiving the aiming beams directed from the aiming beam assembly. However, the applicant discloses that the first beam splitter (120) is receiving the aiming beams via the output lens (104) (see page 8, line 24 of specification and figure 1 of drawing). Therefore, the Examiner will interpret "the second beam splitter" as --the first beam splitter—until clarified by the applicant.

Appropriate clarification is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yanagidate (US 5,610,884) in view of Lu (US 6,713,718).

Re claims 1, 4: Yanagidate teaches an optical information reproducing apparatus (1) having an comprising a half prism (8c) serving as a first beam splitter for directing a portion of an aiming beam towards optical target or optical card (2) external

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located wherein the reflected aiming beams is generated, a first beam splitter (31) serving as a second beam splitter for redirecting a portion of the reflected aiming beam to a detector (35) or a sensor assembly for generating an output signals (e.g., TA, TB, TC, TD) to be used to track condition of the optical card accordingly (see Figs. 2, 3, 6, 8, 9; col. 4, line 32-col. 8, line 58).

However, Yanagidate fails to particularly teach or fairly suggest that a movable lens is located between the first and second beam splitters.

Lu teaches an optical system comprising a focusing lens (88) located between the first beam splitter (75) and the second beam splitter (84) wherein the lens is mounted on a movable lens mount (89), controller (66) controlling the position of the lens (88) using the signals inputted to the controller wherein the such signal is generated using the amplifier (104) (see Figs. 1, 5, 6; col. 3, lines 6-30; col. 5, line 9-col. 8, line 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Lu to the teachings of Yanagidate in order to provide an improved optical reading system by adjusting/moving focusing lens according to the shape of the target.

Re claim 2: The optical information reproducing apparatus of Yanagidate has a form factor of an optical code reader as shown in figure 2 and comprising a plurality of circuitries such as a tracking controlling (16), a line sensor processing circuit (53), a decoder (58), etc. for decoding signal received at the detectors (35, 36, and 38) wherein the detectors also serves as an image sensor.

Re claim 3: The optical information reproducing apparatus of Yanagidate comprises a laser diode for generating and directing light beams toward the prism or first beam splitter.

Re claim 10: The output signal produced by the detector can be used to actuate different switch (16f) (see Fig. 9; col. 7, lines 51-65).

4. Claims 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yanagidate as modified by Lu as applied to claim 1 above, and further in view of Ogino (US 5,461,220).

The teachings of Yanagidate/Le have been discussed above.

In addition to the teachings of Yanagidate/Lu as discussed above, Lu also teaches that the movable lens mount (88) is controlled by a controller (66) for controlling the movement of the mount according to distance between the sample (42) or target and a optical system (110) (see col. 6, lines 19-48). However, Yanagidate/Lu fairly suggest that the processor is updating the position of the lens.

Ogino teaches an information processing system (20) comprising a micro processing unit (21) storing a predetermined control program for operating an AT (auto-tracking)/AF (auto-focusing) control unit (22) wherein the AT/AF control unit controls a movement of focusing objective lens wherein AT/AF information is generated modulated data using a modulation-demodulation unit (23) according to the light intensity and the focusing lens are moving respective to modulated data wherein moving the focusing

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lens serves as an actuating of the actuator (see Figs. 1 and 3; col. 4, line 22-col. 6, line 66).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Ogino to the teachings of Yanagidate/Le in order to provide precise reading of data by repositioning of the focusing lens according to shape or pattern of the object to be scanned wherein such patterns can be identified by the intensity of reflected light from the object to be scanned.

5. Claims 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yanagidate as modified by Lu as applied to claim 1 above, and further in view of Ogino.

Re claim 11-13, 16, and 17: The teachings of Yanagidate/Le have been discussed above. In addition to the teachings of Lu as discussed above, Lu also teaches that a detector (24) received light through a pinhole (22) wherein the pinhole is defined by a block member (23) for allowing pass of only designated reflected light to the detector (see Figs. 1 and 2; col. 3, lines 16-36).

However, Yanagidate/Lu fairly suggest that the processor is updating the position of the lens.

The teachings of Ogino have been discussed above.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Ogino to the teachings of Yanagidate/Le in order to provide precise reading of data by repositioning of the

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focusing lens according to shape or pattern of the object to be scanned wherein such patterns can be identified by the intensity of reflected light from the object to be scanned.

Re claims 14 and 15: Yanagidate also teaches a lens (8b) serving as a diffractive optical element for projecting the aiming beam parallel toward the first beam splitter or prism wherein such parallel light beams serve as a particular geometric shape of the aiming beam (see Fig. 3; col. 4, lines 33-48).

6. Claims 18-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yanagidate as modified by Lu as applied to claim 1 above, and further in view of Ogino.

The teachings of Yanagidate/Le have been discussed above.

However, Yanagidate/Lu fairly suggest that the actuator repositions the lens.

The teachings of Ogino have been discussed above.

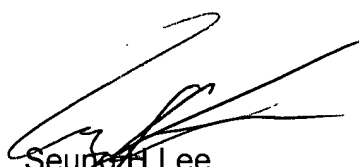
It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Ogino to the teachings of Yanagidate/Le in order to provide precise reading of data by repositioning of the focusing lens according to shape or pattern of the object to be scanned wherein such patterns can be identified by the intensity of reflected light from the object to be scanned.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seung H. Lee whose telephone number is (571) 272-2401. The examiner can normally be reached on Monday-Friday, 7:30 AM- 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Seung H Lee  
Art Unit 2876  
March 16, 2005